

SB3494



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3494

Introduced 2/10/2010, by Sen. John O. Jones

SYNOPSIS AS INTRODUCED:

820 ILCS 405/211.4

from Ch. 48, par. 321.4

Amends the Unemployment Insurance Act. In provisions including certain service performed in agricultural labor in the definition of the term "employment", excludes service performed in agricultural labor by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

LRB096 20512 WGH 36193 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 211.4 as follows:

6 (820 ILCS 405/211.4) (from Ch. 48, par. 321.4)

7 Sec. 211.4. A. Notwithstanding any other provision of this
8 Act, the term "employment" shall include service performed
9 after December 31, 1977, by an individual in agricultural labor
10 as defined in Section 214 when:

11 1. Such service is performed for an employing unit which
12 (a) paid cash wages of \$20,000 or more during any calendar
13 quarter in either the current or preceding calendar year to an
14 individual or individuals employed in agricultural labor (not
15 taking into account service in agricultural labor performed
16 before January 1, 1980, by an alien referred to in paragraph
17 2); or (b) employed in agricultural labor (not taking into
18 account service in agricultural labor performed before January
19 1, 1980, by an alien referred to in paragraph 2) 10 or more
20 individuals within each of 20 or more calendar weeks (but not
21 necessarily simultaneously and irrespective of whether the
22 same individuals are or were employed in each such week),
23 whether or not such weeks are or were consecutive, within

1 either the current or preceding calendar year.

2 2. Such service is not performed in agricultural labor if
3 performed before January 1, 1980 or on or after the effective
4 date of this amendatory Act of the 96th General Assembly, by an
5 individual who is an alien admitted to the United States to
6 perform service in agricultural labor pursuant to Sections
7 214(c) and 101(a)(15)(H) of the Immigration and Nationality
8 Act.

9 B. For the purposes of this Section, any individual who is
10 a member of a crew furnished by a crew leader to perform
11 service in agricultural labor for any other employing unit
12 shall be treated as performing service in the employ of such
13 crew leader if (1) the leader holds a valid certificate of
14 registration under the Farm Labor Contractor Registration Act
15 of 1963, or substantially all the members of such crew operate
16 or maintain tractors, mechanized harvesting or crop dusting
17 equipment, or any other mechanized equipment, which is provided
18 by the crew leader; and (2) the service of such individual is
19 not in employment for such other employing unit within the
20 meaning of subsections A and C of Section 212, and of Section
21 213.

22 C. For the purposes of this Section, any individual who is
23 furnished by a crew leader to perform service in agricultural
24 labor for any other employing unit, and who is not treated as
25 performing service in the employ of such crew leader under
26 subsection B, shall be treated as performing service in the

1 employ of such other employing unit, and such employing unit
2 shall be treated as having paid cash wages to such individual
3 in an amount equal to the amount of cash wages paid to the
4 individual by the crew leader (either on his own behalf or on
5 behalf of such other employing unit) for the service in
6 agricultural labor performed for such other employing unit.

7 D. For the purposes of this Section, the term "crew leader"
8 means an individual who (1) furnishes individuals to perform
9 service in agricultural labor for any other employing unit; (2)
10 pays (either on his own behalf or on behalf of such other
11 employing unit) the individuals so furnished by him for the
12 service in agricultural labor performed by them; and (3) has
13 not entered into a written agreement with such other employing
14 unit under which an individual so furnished by him is
15 designated as performing services in the employ of such other
16 employing unit.

17 (Source: P.A. 80-2dSS-1.)